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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,629

04/25/2005

Keld Lauridsen

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EXAMINER

PIZIALI, ANDREW T

ART UNIT

PAPER NUMBER

1771

MAIL DATE

DELIVERY MODE

05/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,629

Applicant(s)

LAURIDSEN ET AL.

Examiner

Andrew T. Piziali

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 20 and 27-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/25/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, Species 1 from Species Group I, and Species 1 from Species Group II, in the reply filed on 5/11/2007, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). It is noted that the applicant incorrectly indicated that claims 6 and 7 read upon Species 1 from Species Group I. Claims 6 and 7 are drawn to nonelected Species 2 of Species Group I. Therefore, claims 5-7 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. Claims 27-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Drawings

2. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See page 7, lines 6-8 of the current specification and MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 3, 4, 8, 16, 18 and 24 are objected to because of the following informalities: The claims refer to “meltdown” material and/or “spunbound” material. It appears that the material should be labeled “meltblown” or “spunbond. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-4, 8-19 and 21-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to teach or suggest how to make and/or use a nonwoven material having elastic properties (plural) aligned in one direction. Although the specification may teach or suggest how to make and/or use a nonwoven material having a single elastic property (i.e. easily resuming original shape after being stretched or expanded), the specification fails to mention more than this single elastic property.

In addition, the specification fails to teach or suggest how to make and/or use a nonwoven material wherein the elastic properties are aligned in one direction, while the elastic fibers or elastic filaments are aligned in a direction that extends transversely to the direction in which the nonwoven material is elastic.

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6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4, 8-19 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the applicant claims that the elastic properties are aligned in one direction. It is not clear how a property, or in this case more than just one property, can be aligned.

Regarding claim 1, it is not clear if the “fibers or filaments made of an elastic polymer” comprise elastic polymer or if during their production elastic polymer was used and the final fibers or filaments may or may not comprise elastic polymer.

Regarding claim 1, it is not clear how the elastic properties can be aligned in one direction, while the elastic fibers or elastic filaments are aligned in a direction that extends transversely to the direction in which the nonwoven material is elastic.

Regarding claim 1, it is not clear if the “larger part of the fibers or filaments” refers to a larger number of fibers or filaments or a larger portion of each fiber or filament.

Regarding claim 1, the applicant claims “a larger part of the fibers of filaments is aligned...” but the claim fails to establish a reference “part.” It is not clear what the “larger part” is being compared to.

Regarding claim 3, the claim recites the limitation “the elastic meltdown fibers” in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Regarding claim 4, the claim recites the limitation "the spunbound fibers" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 8, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 8, the claim recites the limitation "the elastomeric layers" in line 4.

There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 9, the claim recites the limitation "the elastic nonwoven layer" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 10, the claim recites the limitation "the property" in lines 1 to 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 11-13, the claim recites the limitation "the product" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 11-13 and 26, the word "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the word are part of the claimed invention.

Regarding claims 12 and 13, the claim recites the limitation "the recovery" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 14, 15 and 17, use of the word "it" is indefinite because the claim fails to establish the identity of "it."

Regarding claims 16 and 18, the claim recites the limitation "the meltdown fiber" in lines 2 to 3. There is insufficient antecedent basis for this limitation in the claim.

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Regarding claim 16, the phrase "similar flow properties (with respect to the rheological and viscosity properties) as polypropylene" is indefinite because it is not clear how close the properties must be to be considered "similar."

Regarding claims 16 and 18, the claim is indefinite because it is not clear if the subject matter contained with parenthesis is required or optional subject matter.

Regarding claim 17, the phrase "high productivity" is indefinite because it is not clear what productivity amount is considered to be "high."

Regarding claims 18 and 19, "for example" or "e.g." renders the claim indefinite because it is unclear whether the limitation following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 18, the claim recites the limitation "the meltblown method" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 18, the claim recites the limitation "the flow properties" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 19, the claim recites the limitation "the meltblown fiber" in lines 2 to 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 19, the claim recites the limitation "the polyethylene" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 23, it is not clear if just one bonding method is required or if some combination of bonding methods is being claimed.

Regarding claims 24 and 25, the claim recites the limitation "the basis weight" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Regarding claim 24, the claim recites the limitation "the elastic meltdown layers" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 24, the applicant claims that the elastic meltdown layers amount to 1 to 60% by weight. It is not clear what overall weight percent the meltdown layer weight percentage is a percentage of.

Regarding claim 25, the claim recites the limitation "the needle nonwoven/spunlaced product or needle nonwoven together with elastic meltblown layers" in lines 2 to 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 25, the claim recites the limitation "the elastic meltblown layers" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 26, the claim recites the limitation "the meltblown layer provided with elastic properties" in lines 2 to 3. There is insufficient antecedent basis for this limitation in the claim.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Piziali whose telephone number is (571) 272-1541. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

atp

 5/23/07
ANDREW PIZIALI
PRIMARY EXAMINER